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MEMORANDUM

TO: Interpretation file

FROM: Monty M. Stansbury, Planning Director *AAA*

SUBJECT: Section 1108.10; 1½ ton trucks (AMENDED)

DATE: December 23, 2003

The following issue was raised:

Section 1108.10 of the Yuma County Zoning Ordinance says in part that the storage of more than one truck with a capacity rating of 1½ tons shall not be permitted in a residential district.

Question #1: (residential only)

If an eighteen wheeler (6x) were stored on the property completely hooked up - tractor truck to trailer. Would this be considered one truck?

Question #2:

If the same eighteen wheeler (6x) were stored on the property unhooked (tractor truck from trailer and stored separately), would this be considered one truck or two trucks with a rated capacity of 1½ tons?

This question arose because ADOT does not license each vehicle as a truck. One is licensed as a Tractor truck in the truck category and the other is licensed as a trailer in the trailer category. Therefore, if the truck is unhooked it still should be counted as only one truck over the capacity rating and the trailer is stored as a trailer which is permitted. And, if this is the case, then our new ordinance needs to be changed to reflect only one commercial vehicle over the rated capacity of 1½ tons shall be permitted on the property because an owner can have one tractor truck and more than one trailer stored on the lot. Commercial vehicles should be clearly defined.

Answer to question #1: Yes.

Answer to question #2: Since the Zoning Ordinance is silent on the definition of "trailer" and "truck" in this context it would be my interpretation that the following would apply.

Random House Webster's College Dictionary, Copyright 1999, defines truck as a large motor vehicle for carrying goods and materials, consisting either of a single self-propelled unit or of a trailer vehicle hauled by a tractor unit; any of various wheeled frames, platforms, or carts used for transporting heavy objects.

The previous interpretation read as follows and is recinded:

If the appropriate apparatus to haul or transport the trailer is on the lot then the trailer or trailers become eligible as 1½ ton trucks. Each trailer is counted separately as a component to qualify for the 1½ ton status. Absent any appropriate tractor truck, the trailers may remain and treated as storage units.

The amendment as follows shall apply:

Any trailer, not recreational vehicle, that consists of 1½ tons and is designed to be hauled by a tractor unit is hereby considered a truck, either separately or together with the tractor unit, and is subject to the provisions of this section and regulation by all other applications of the Yuma County Zoning Ordinance. A tractor unit by itself is considered a motor vehicle and does not qualify under this provision.